

LIPSON, NEILSON, COLE, SELTZER, GARIN, P.C.
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
H. SUNNY JEONG, ESQ.
Nevada Bar No. 12981
9900 Covington Cross Dr. Suite 120
Las Vegas, Nevada 89144
(702) 382-1500
(702) 382-1512 – Fax
jgarin@lipsonneilson.com
sjeong@lipsonneilson.com

FILED

JUN 04 2015

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Attorneys for Respondents Leslie White, Audra Collins, and Ryon Collins

BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

LESLIE WHITE, AUDRA COLLINS,
RYON COLLINS

Respondents,

v.
JOSEPH (J.D.) DECKER, Administrator,
REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS &
INDUSTRY,
STATE OF NEVADA

Petitioner.

CASE NOS.: 2014-1491
2014-1505
2014-4473
2014-4472

OBJECTION TO FAILURE
TO JOIN CLAIMS

OBJECTION TO FAILURE TO JOIN CLAIMS

NOW COMES Respondents LESLIE WHITE, AUDRA COLLINS, AND RYON COLLINS (collectively "Respondents"), by and through their attorneys of record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby give notice of Objection to Failure to Join All Claims against Respondents.

///

///

1 **I. BACKGROUND**

2 Respondents show good cause for a continuance of the hearing so that all
3 matters currently scheduled and under investigation can be consolidated. However,
4 Respondents' request for a continuance is only scheduled to be heard on the day of the
5 hearing, June 18, 2015. The Division's sequencing of claims against Respondents in
6 multiple series and anticipated scheduling of several hearings create an unfair burden
7 on Respondents and a denial of due process that the U.S. Constitution and the Nevada
8 Constitution guarantee. Respondents object to the hearing proceeding with
9 unconsolidated and/or unjoined claims, causing unfair burden on Respondents in
10 violation of due process.

11 Respondents' good cause for a continuance of the hearing are based on due
12 process requirements: (1) due process rights to be afforded sufficient time to effectively
13 investigate years of work that three Respondents did for various Homeowners
14 Associations ("HOA"), answer complaints, prepare for hearing, and provide documents
15 and a witness list to the Division by at least five working days prior to the hearing; (2)
16 Respondents' due process rights to effective counsel of their choice.

17 Rather, Respondents are subjected to an unfair burden and a denial of due
18 process in having to struggle with the Nevada Attorney General's Office's ("AG's
19 Office") steady filing of multiple Complaints since the Respondents retained counsel in
20 February 2015. Respondents are also overwhelmed in dealing with multiple
21 investigative letters and Complaints trickling in continuously, with very short due dates.
22 As of date, Respondents are trying to defend claims against approximately twenty
23 HOAs that are under investigation and the number is increasing weekly as the Division's
24 Investigators are making cold calls to Board members of the HOAs. Seemingly, the
25 tactic of the Division is to overwhelm and smolder Respondents with continuing
26 Complaints, investigative letters, and cold calls to HOA board members, which do not
27 constitute a fair play or due process.

1 **II. OBJECTIONS**

2 **A. Respondents' Due Process has been Violated because They Have**
3 **Not Been Afforded Sufficient Time to Prepare for the Hearing**

4 1. **Lack of Time Due to Short Notice to Prepare Defense**

5 On May 8, 2015, the AG's Office filed two new Complaints against Audra Collins
6 and Ryon Collins with the same hearing dates. To date, Respondents will have only
7 until June 8, 2015 to respond, which is less than two work days away. In addition, June
8 10, 2015 is the due date for Respondents to provide documents and witness lists to the
9 Division. This will cause Respondents undue hardship if the Commission requires
10 Respondents to, within ten work days, answer the Complaints alleged against them,
11 which involves subpoenaing documents, witnesses, and conducting a thorough
12 investigation regarding years of work that three individuals completed for various
13 HOA's.

14 This hearing has all three Respondents' licenses, hence their livelihoods, at
15 stake. These Complaints deserve a thorough investigation, and verification, especially
16 because the allegations implicate fraud and embezzlement. It will be extremely difficult
17 to prepare a thorough defense in such a short amount of time.

18 The AG's Office has already been afforded ample time to investigate and
19 prosecute Respondents before the Complaints were filed. As a matter of due process
20 guaranteed by law, Respondents should be afforded sufficient time to conduct
21 investigations to verify allegations and obtain admissible evidence, including but not
22 limited to documents and witnesses that must be subpoenaed.

23 2. **Lack of Time Due to the Nevada Attorney General's Office's**
24 **Smoldering Tactics, Which are Paralyzing**

25 Respondents have already been struggling with the Nevada Attorney General's
26 Office's ("AG's Office") continuous filing of multiple Complaints over the course of four
27 months. Respondents are also overwhelmed in dealing with multiple investigative letters
28

1 and Complaints trickling in continuously, with very short due dates. As of date,
2 Respondents are trying to defend claims against approximately twenty HOAs that are
3 under investigation and the number is increasing weekly as the Division's Investigators
4 are making cold calls to the Board members of HOAs. The AG's Office's tactics is so
5 paralyzing and time-consuming that Respondents cannot prepare an effective defense.
6 The AG's Office is creating unfair hardship on Respondents in violation of Respondents'
7 due process rights.

8 **B. Respondents' Due Process Has Been Violated Because They Have Not**
9 **Been Afforded Their Rights to Effective Counsel of Choice**

10 Respondents choose and intend on having Joseph P. Garin, Esq. appear at the
11 hearing on behalf of Respondents. Respondents nor their counsel have the resources
12 or other attorneys to take over the matters with such little amount of time left until the
13 hearing. Especially in light of the extensive discovery and document review these
14 matters require, Respondents are not being afforded effective representation and are
15 being subject to unfair hardship and prejudice, including deprivation of due process.

16
17 DATED this 4th day of June, 2015.

18 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

19
20 By: 

21 JOSEPH P. GARIN, ESQ.

22 Nevada Bar No. 6653

23 H. SUNNY JEONG, ESQ.

24 Nevada Bar No. 12981

25 9900 Covington Cross Drive, Suite 120

26 Las Vegas, Nevada 89144

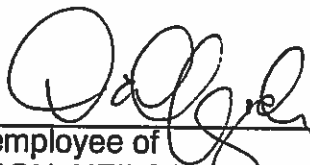
27 (702) 382-1500

28 *Attorneys for Respondents Leslie White, Audra
Collins, and Ryon Collins*

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June, 2015, service of the foregoing
OBJECTION TO FAILURE TO JOIN CLAIMS was made via electronic mail and hand-
delivery to:

Michelle D. Briggs, Esq.
Senior Deputy Attorney General
2501 E. Sahara Avenue, Suite 201
Las Vegas, NV 89104
(702) 486-7041
mbriggs@red.state.nv.us
Attorney for Nevada Real Estate Division



An employee of
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.